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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

PROCTER & GAMBLE; THE PROCTER &
GAMBLE DISTRIBUTING COMPANY,

Plaintiffs,

vs.

RANDY L. HAUGEN, ET AL.,

Defendants.

**MOTION IN LIMINE REGARDING
"PYRAMID SCHEME" & SIMILAR
PHRASES**

Civil No. 1:95CV94 TDS

Judge Ted D. Stewart
Magistrate Paul Warner

Defendants Randy L. Haugen, Freedom Associates, Inc., Freedom Tools Incorporated, Steven E. Brady, Stephen L. Bybee, Eagle Business Development, Inc., Ted Randal Walker, and Walker International Network (collectively the "distributor

defendants”), by and through counsel, submit this Motion in Limine Regarding “Pyramid Scheme” & Similar Phrases.

I. INTRODUCTION

Plaintiffs Procter & Gamble and the Procter & Gamble Distributing Company (collectively “P&G”) seek to introduce the testimony and make statements concerning the allegation that Amway is a “Pyramid Scheme.”

II. GOVERNING LEGAL PRINCIPLES

“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. FED. R. EVID. 401. Evidence that is not relevant is not admissible. FED. R. EVID. 402. Relevant evidence can also be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. FED. R. EVID. 402.

III. P&G HAS NO “PYRAMID SCHEME” ALLEGATIONS

Amway is not a pyramid scheme. In the past P&G has made such allegations, but none are at issue here. P&G should be prohibited from referring to Defendants as a part of a pyramid scheme, graphically representing Defendants as a part of a pyramid scheme, or introducing testimony concerning “pyramid schemes.” The same prohibition should apply to other, similarly derisive phrases such as “Ponzi scheme.” All such references are wholly irrelevant to this dispute and are only intended to mislead and prejudice jurors.

IV. CONCLUSION & PRAYER

P&G should be prohibited from referring to Defendants as a part of a Pyramid scheme, graphically representing Defendants as a part of a pyramid scheme, or introducing testimony concerning "pyramid schemes," "Ponzi schemes" and other similarly irrelevant allegations.

DATED this 23rd day of February, 2007.

J. JOYCE & ASSOCIATES

Electronically signed by Joseph J. Joyce on 2/23/07

By

Joseph J. Joyce
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23rd day of February, 2007, a true and correct copy of the foregoing **MOTION IN LIMINE REGARDING "PYRAMID**

SCHEME" & SIMILAR PHRASES

notification of such filing to the following:

Tracy H. Fowler
James D. Gardner
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Fay E. Stilz
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Electronically signed by Diane Smith on 2/23/07